

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
13-CA-245558Date Filed
7/26/19**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Amazon.com		b. Tel. No. (317) 800-0774	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 2801 S Western Ave IL Chicago 60608-5213		e. Employer Representative Domonic Wilkerson Site Lead	
		g. e-Mail wdomonic@amazon.com	
		h. Number of workers employed 1000	
i. Type of Establishment (factory, mine, wholesaler, etc.) Others		j. Identify principal product or service Selling, Fulfilling, Sorting and Delivering Packages	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
--See additional page--			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:			
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)	
By (b) (6), (b) (7)(C) (signature of representative or person making charge)		Office, if any, Cell No.	
Title: (b) (6), (b) (7)(C) (Print/type name and title or office, if any)		Fax No.	
Address (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
		07/26/2019 13:12:47 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Threat of Time off Task, potential termination	7/23/2019
(b) (6), (b) (7)(C)	Threat of Time off Task, potential termination	7/23/2019
(b) (6), (b) (7)(C)	Threat of Time off Task, potential termination	7/23/2019
(b) (6), (b) (7)(C)	Threat of Time off Task, potential termination	7/23/2019
(b) (6), (b) (7)(C)	Threat of Time off Task, potential termination	7/23/2019

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their union activities.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	7/23/2019

Additional Information in Support of Charge

Charging Party Name : (b) (6), (b) (7)(C)

Inquiry Number : (b) (6), (b) (7)(C)

Date Submitted : 07/26/2019 13:12:47

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

About 20 Amazon DCH1 workers, many members of DCH1 Amazonians United, gathered together at 4:15am 7/23/2019 in front of the management conference room as (b) (6), (b) (7)(C), DCH1 (b) (6), (b) (7)(C), entered (b) (6), (b) (7)(C) management conference room to host a meeting with workers (b) (6), (b) (7)(C) selected to talk about physical changes being made to the warehouse and issues at the workplace. As DCH1 Amazonians United members headed towards the management conference room door to knock on the management conference room door to join the meeting to talk with (b) (6), (b) (7)(C) about our top 3 issues (Pay, Health Insurance and A/C), (b) (6), (b) (7)(C) stepped between us and the door and commanded us to leave the area and get back to work (we had already finished working with no more packages to be scanned). We explained that we were attempting to meet with (b) (6), (b) (7)(C) to talk about the top 3 issues workers feel at Amazon DCH1. But (b) (6), (b) (7)(C), using a microphone and a rolling speaker, yelled to us that if we are not on "the list" we could not enter and that we had to leave that area. (b) (6), (b) (7)(C) then began yelling at us through the microphone that if we did not leave immediately (b) (6), (b) (7)(C) was going to give us "Time off Task" (TOT). TOT is what managers use to track and threaten us so that we work nonstop. If we accumulate enough TOT we get terminated, so to threaten us with TOT is to threaten us with termination for attempting to meet with our (b) (6), (b) (7)(C) to talk about workplace conditions we want improved. As a result of (b) (6), (b) (7)(C) yelling and threatening us, many of our coworkers felt intimidated and left. I knocked on the door while (b) (6), (b) (7)(C) was threatening to give us TOT, and someone opened the door for us. (b) (6), (b) (7)(C) was already sitting at the table, hearing (b) (6), (b) (7)(C) threatening us for attempting to meet with (b) (6), (b) (7)(C). We walked in and presented ourselves as DCH1 Amazonians United, we said we represent our coworkers and we asked (b) (6), (b) (7)(C) to meet with us to discuss the top 3 issues and (b) (6), (b) (7)(C) agreed.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

July 26, 2019

(b) (6), (b) (7)(C)

Re: Amazon.com
Case 13-CA-245558

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 26, 2019 has been docketed as case number 13-CA-245558. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and e-mail address is latha.chekuru@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

LC/dg
Enclosure:
Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

July 26, 2019

Domonic Wilkerson, Site Lead
Amazon.com
2801 South Western Avenue
Chicago, IL 60608-5213

Re: Amazon.com
Case 13-CA-245558

Dear Mr. Wilkerson:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and e-mail address is latha.chekuru@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by August 9, 2019. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

LC/dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-245558

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMAZON.COM

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 13-CA-245558

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 26, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Domonic Wilkerson, Site Lead
Amazon.com
2801 South Western Avenue
Chicago, IL 60608-5213

July 26, 2019

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Unknown
and
Amazon.com

CASE 13-CA-245558

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Amazon.com

IN THE ABOVE-CAPTIONED MATTER.
Unknown and Amazon.com

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Ross H. Friedman	
MAILING ADDRESS: Morgan, Lewis & Bockius LLP, 77 W. Wacker Drive, Chicago, IL 60601	
E-MAIL ADDRESS: ross.friedman@morganlewis.com	
OFFICE TELEPHONE NUMBER: 312-324-1000	
CELL PHONE NUMBER:	FAX: 312-324-1001
SIGNATURE: <i>Ross H. Friedman</i> (Please sign in ink.)	
DATE: July 29, 2019	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

From: (b) (6), (b) (7)(C)
To: [Chekuru, Latha](#)
Subject: Picture of email (b) (6), (b) (7)(C) about roundtable
Date: Wednesday, July 31, 2019 4:37:38 PM
Attachments: [IMG-2771.jpg](#)



21:03

5G



July associate round table on
Monday July 22 at 0415 am Inbox



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Jul 18

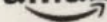


Hello DCH1 Associate,

You have been invited to attend the July
associate round table at DCH1. The round table is
from [0415-0445](#) am on Monday, July 22 in the
conference room in the main office.

If you have any questions, please reply back to
this email (dch1-hr) or talk to your manager.

Hope to see you there!

amazonlogistics

← Reply

↩ Reply all

→ Forward

From: (b) (6), (b) (7)(C)
To: [Chekuru, Latha](#)
Subject: Demand Letter turned in July 24
Date: Wednesday, July 31, 2019 4:36:08 PM
Attachments: [IMG-2822.JPG](#)



Tuesday, July 23, 2019

From: DCH1 Amazonians United

To: (b) (6), (b) (7)(C), Amazon DCH1 (b) (6), (b) (7)(C)

Subject: Overtime Issues, wrongful UPT deductions and Points Added for Pay Period 7/14-7/20

Dear (b) (6), (b) (7)(C),

On Friday, 7/19/2019, we were dismissed with pay for our full 8 hour shift due to the extreme heat within DCH1 warehouse. However, HR added the 6.25 hours classified as "Non Worked Paid Time" to the pay period of 7/21 - 7/27 rather than the pay period of 7/14 - 7/20. As a result, those of us who had already worked 35 hours and got sent home on Friday are being cheated out of the Overtime Pay we are owed.

In addition, blue badge workers who were dismissed on Friday had up to 7 hours of UPT deducted and white badge workers were given 1 point for leaving work early, even though you had told us to clock out. Furthermore, many workers are reporting wrongful UPT deductions and Points Added throughout Prime week. These wrongful, mass deductions of UPT and mass addition of points put workers in danger of being terminated by Amazon's automated systems.

Several workers have brought these issues to the attention of Amazon HR, Management and ERC, but the issues have not been fixed. During the meeting between DCH1 Amazonians United and (b) (6), (b) (7)(C) and Amazon HR on 7/23/2019, we also brought all of these issues to your attention but none have been resolved.

This is a clear violation of the Illinois State Wage and Hour regulations, in addition to a violation of the federal Fair Labor Standards Act. Please remedy these issues by immediately:

1. Adding the 6.25 hours classified as "Non Worked Paid Time" to the pay period of 7/14/2019 - 7-20-2019 for all workers and paying us all OT hours owed.
2. Removing all wrongful UPT taken from Blue Badge Associates and all wrongful Points given to White Badge Associates on 7/19/2019 and throughout Prime Week.
3. Asking HR to be present on the warehouse floor during the entire overnight shift every day of this and next week so that all of these and other issues can be resolved.

Please contact us at DCH1United@gmail.com

Sincerely,

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
DCH1 Amazonians United (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

13-CA-245558

7/31/19

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Amazon.com		b. Tel. No. (317)800-0774
		c. Cell No.
d. Address (street, city, state ZIP code) 2801 S Western Ave, Chicago, IL 60608-5213	e. Employer Representative Domonic Wilkerson Site Lead	f. Fax No.
		g. e-Mail wdomonic@amazon.com
		h. Dispute Location (City and State) Chicago, IL
i. Type of Establishment (factory, nursing home, hotel) Warehouse	j. Principal Product or Service Distribution of products	k. Number of workers at dispute location 1000
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		

On or about July 23, 2019, the above-named Employer threatened employees with discipline for engaging in protected, concerted activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No.
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No.
(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (n making charge)	Fax No.
Address: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	e-Mail (b) (6), (b) (7)(C)
Print Name and Title (b) (6), (b) (7)(C)	Date: 07/31/2019

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

July 31, 2019

Domonic Wilkerson, Site Lead
Amazon.com
2801 South Western Avenue
Chicago, IL 60608-5213

Re: Amazon.com
Case 13-CA-245558

Dear Mr. Wilkerson:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and e-mail address is latha.chekuru@nlrb.gov. If the agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence

July 31, 2019

submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Ohr", with a long horizontal line extending to the right.

Peter Sung Ohr
Regional Director

LC/dg
Enclosure:
Copy of first amended charge

cc: Ross H. Friedman, Esq.
77 West Wacker Drive
Chicago, IL 60601

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMAZON.COM

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 13-CA-245558

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Domonic Wilkerson, Site Lead
Amazon.com
2801 South Western Avenue
Chicago, IL 60608-5213

Ross H. Friedman, Esq.
77 West Wacker Drive
Chicago, IL 60601

July 31, 2019

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

July 31, 2019

(b) (6), (b) (7)(C)

Re: Amazon.com
Case 13-CA-245558

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and e-mail address is latha.chekuru@nlrb.gov. If the agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence

July 31, 2019

submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Ohr", with a long horizontal stroke extending to the right.

Peter Sung Ohr
Regional Director

LC/dg
Enclosure:
Copy of first amended charge

From: (b) (6), (b) (7)(C)
To: [Chekuru, Latha](#)
Subject: Petitions, surveys, other supporting documents/pictures
Date: Thursday, August 1, 2019 11:58:55 AM
Attachments: [OT Complaint 1.jpg](#)
[OT Complaint 3.jpg](#)
[OT Complaint 2.jpg](#)
[OT Complaint 5.jpg](#)
[OT Complaint 4.jpg](#)
[Top 3 Demands Petition Final July 2019.docx](#)
[Water Petition Final.docx](#)
[Water Petition Result Statement.jpeg](#)
[July 24 Demand Letter OT-UPT-Point issues.jpg](#)
[Roundtable Email.jpg](#)

Hi Latha, here are the supporting documents. Everything is attached. Also, here are some links:

1. Survey on top issues is right here: <https://forms.gle/tx9fnj2tcd4Xct3TA>
2. To our DCH1 Amazonians United Facebook page: <https://www.facebook.com/DCH1United/>

Let me know if you need anything else! Thank you.

(b) (6), (b) (7)(C)



Virus-free. www.avast.com

DCH1 Amazonians United

If Amazon messed up your **PAY, OVERTIME**, or **ATTENDANCE** from last week, sign this form so that we can all get our money!
These are Illinois Department of Labor violations and we are filing an official complaint to get paid what we deserve for our work.
Sign if:

1. Hours that you worked last week are **missing** from your Pay Period Breakdown, or
2. Hours that you worked last week that **should be overtime** was moved to this week so that it won't count as overtime, or
3. You got attendance points or UPT taken off for time that should not be counted as an absence.

Check these boxes for:

Full Name	Login ID	Phone	Address (Needed to file complaint)	Missing Hours	Lost Overtime	UPT/ Points
John Smith	johsmi	312-123-4567	1234 Chicago Ave., Chicago IL 60606	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	

(b) (6), (b) (7)(C)

DCH1 Amazonians United

If Amazon messed up your **PAY, OVERTIME, or ATTENDANCE** from last week, sign this form so that we can all get our money! These are Illinois Department of Labor violations and we are filing an official complaint to get paid what we deserve for our work. Sign if:

1. Hours that you worked last week are missing from your Pay Period Breakdown, or
2. Hours that you worked last week that should be overtime was moved to this week so that it won't count as overtime, or
3. You got attendance points or UPT taken off for time that should not be counted as an absence.

Check these boxes for:

Full Name	Login ID	Phone	Address (Needed to file complaint)	Missing Hours	Lost Overtime	UPT/ Points
John Smith	johsmi	312-123-4567	1234 Chicago Ave., Chicago IL 60606	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X		X

(b) (6), (b) (7)(C)

DCH1 Amazonians United

If Amazon messed up your **PAY, OVERTIME, or ATTENDANCE** from last week, sign this form so that we can all get our money!
These are Illinois Department of Labor violations and we are filing an official complaint to get paid what we deserve for our work.
Sign if:

1. Hours that you worked last week are missing from your Pay Period Breakdown, or
2. Hours that you worked last week that should be overtime was moved to this week so that it won't count as overtime, or
3. You got attendance points or UPT taken off for time that should not be counted as an absence.

Check these boxes for:

Full Name	Login ID	Phone	Address (Needed to file complaint)	Missing Hours	Lost Overtime	UPT/ Points
John Smith	johsmi	312-123-4567	1234 Chicago Ave., Chicago IL 60606	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X

(b) (6), (b) (7)(C)

DCH1 Amazonians United

If Amazon messed up your **PAY**, **OVERTIME**, or **ATTENDANCE** from last week, sign this form so that we can all get our money!
These are Illinois Department of Labor violations and we are filing an official complaint to get paid what we deserve for our work.
Sign if:

1. Hours that you worked last week are missing from your Pay Period Breakdown, or
2. Hours that you worked last week that should be overtime was moved to this week so that it won't count as overtime, or
3. You got attendance points or UPT taken off for time that should not be counted as an absence.

Check these boxes for:

Full Name	Login ID	Phone	Address (Needed to file complaint)	Missing Hours	Lost Overtime	UPT/ Points
John Smith	johsmi	312-123-4567	1234 Chicago Ave., Chicago IL 60606	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X

(b) (6), (b) (7)(C)

DCH1 Amazonians United

RECEIVED

JUL 24 2019

If Amazon messed up your **PAY, OVERTIME, or ATTENDANCE** from last week, sign this form so that we can all get our money!
These are Illinois Department of Labor violations and we are filing an official complaint to get paid what we deserve for our work.
Sign it.

- Hours that you worked last week are missing from your Pay Period Breakdown, or
- Hours that you worked last week that should be overtime was moved to this week so that it won't count as overtime, or
- You got attendance points or UPT taken off for time that should not be counted as an absence.

Check these boxes for:

Full Name	Login ID	Phone	Address (Needed to file complaint)	Missing Hours	Lost Overtime	UPT/ Points
John Smith	johsmi	312-123-4567	1234 Chicago Ave., Chicago IL 60606	X	X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]		X	X
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	[REDACTED]	[REDACTED]	X	X	X

(b) (6), (b) (7)(C)

DCH1 Amazonians United Petition for:

1. **Prime Pay for Prime Days** -- \$18 per hour for all our hours
2. **Health Insurance**
3. **A/C for the whole warehouse**

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C).
(b) (6), (b) (7)(C)

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

[illegible]

DCH1 Amazon Associates for Fair and Clean Access to Water

By signing, we demand the following to improve warehouse water access & prevent ambulance emergencies for all DCH1 associates.

1. Bottles of water stocked daily for all shifts in all refrigerators: dock, between B/D, between G/J, top divert
2. The right to take a moment to get water when working at any station
3. All water coolers cleaned of dirt daily, connected to power, stocked with cups
4. Replace the water fountain filter regularly, as indicated

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

21:03

5G E



July associate round table on
Monday July 22 at 0415 am Inbox



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Jul 18




Hello DCH1 Associate,

You have been invited to attend the July
associate round table at DCH1. The round table is
from [0415-0445](#) am on Monday, July 22 in the
conference room in the main office.

If you have any questions, please reply back to
this email (dch1-hr) or talk to your manager.

Hope to see you there!

amazonlogistics

↩ Reply

↩↩ Reply all

➦ Forward

Tuesday, July 23, 2019

From: DCH1 Amazonians United

To: (b) (6), (b) (7)(C), Amazon DCH1 (b) (6), (b) (7)(C)

Subject: Overtime Issues, wrongful UPT deductions and Points Added for Pay Period 7/14-7/20

Dear (b) (6), (b) (7)(C),

On Friday, 7/19/2019, we were dismissed with pay for our full 8 hour shift due to the extreme heat within DCH1 warehouse. However, HR added the 6.25 hours classified as "Non Worked Paid Time" to the pay period of 7/21 - 7/27 rather than the pay period of 7/14 - 7/20. As a result, those of us who had already worked 35 hours and got sent home on Friday are being cheated out of the Overtime Pay we are owed.

In addition, blue badge workers who were dismissed on Friday had up to 7 hours of UPT deducted and white badge workers were given 1 point for leaving work early, even though you had told us to clock out. Furthermore, many workers are reporting wrongful UPT deductions and Points Added throughout Prime week. These wrongful, mass deductions of UPT and mass addition of points put workers in danger of being terminated by Amazon's automated systems.

Several workers have brought these issues to the attention of Amazon HR, Management and ERC, but the issues have not been fixed. During the meeting between DCH1 Amazonians United and (b) (6), (b) (7)(C) and Amazon HR on 7/23/2019, we also brought all of these issues to your attention but none have been resolved.

This is a clear violation of the Illinois State Wage and Hour regulations, in addition to a violation of the federal Fair Labor Standards Act. Please remedy these issues by immediately:

1. Adding the 6.25 hours classified as "Non Worked Paid Time" to the pay period of 7/14/2019 - 7-20-2019 for all workers and paying us all OT hours owed.
2. Removing all wrongful UPT taken from Blue Badge Associates and all wrongful Points given to White Badge Associates on 7/19/2019 and throughout Prime Week.
3. Asking HR to be present on the warehouse floor during the entire overnight shift every day of this and next week so that all of these and other issues can be resolved.

Please contact us at DCH1United@gmail.com

Sincerely,

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
DCH1 Amazonians United (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Statement on Water Access at DCH1 (June 2019)

Water has always been an issue at Amazon DCH1, and on March 3 a coworker passed out from dehydration. On April 21, our managers announced "no more water bottles this isn't up for debate." For months, workers have asked for water while working, during stand up, on the VOA board, and with managers directly- and no changes were made. So we started a petition for clean and fair access to water. After a bunch (140) of us signed and delivered the water petition during stand up, management provided us with bottles of water for the next week, installed water lines, and gave some of us reusable water bottles. But now they won't give us cups.

We are pushed so hard that we often don't have the freedom to get water. We're constantly dehydrated from performing hard manual labor in a warehouse that gets very hot & humid. We've got to grow more united and take more action to improve conditions at DCH1. Send us an email, including your name and shift, if you'd like to join us: DCH1United@gmail.com.

-DCH1 Amazonians United

From: [Chekuru, Latha](#)
To: [Friedman, Ross H.](#)
Subject: RE: Amazon 13-CA-245558
Date: Monday, August 5, 2019 11:44:00 AM
Attachments: [8-5 Amazon request for evidence.pdf](#)

Dear Ross,

Please see the attached letter requesting the Employer's response. Please let me know if you have any questions.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Friday, August 2, 2019 12:03 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Subject: RE: Amazon 13-CA-245558

Thanks Latha – I will be in touch.

Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com
(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Friday, August 2, 2019 11:11 AM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: Amazon 13-CA-245558

[EXTERNAL EMAIL]

Hi Ross,

I just saw your notice of appearance. Attached is a copy of the charge. I will send you a letter requesting the Employer's position statement later today. Please call me today at 773-330-4798 if

you would like to discuss anything.
Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
219 South Dearborn Street – Suite 808
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

E-mail only

August 5, 2019

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 W Wacker Drive
Chicago, IL 60601

RE: Amazon.com
13-CA-245558

Dear Mr. Friedman:

Please let me know whether the Employer will be presenting (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for affidavits in the above-named case. Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board Agent, and providing all relevant documentary evidence requested by the Board Agent.

Please provide the following requested information and detailed responses as appropriate, including the Employer's position statement. Please provide case law to support your position.

1. On or about July 23, 2019 around 4:10 am, (b) (6), (b) (7)(C), Shift Supervisor, allegedly threatened a group of warehouse employees with discipline (Time Off Task) because they were going to attend a meeting with (b) (6), (b) (7)(C) to discuss terms and conditions of employment. Please respond.
2. Allegedly (b) (6), (b) (7)(C) invited certain employees to meet with (b) (6), (b) (7)(C) on July 23 to discuss terms and conditions of employment. Please explain how these employees were selected.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter by **Tuesday, August 13, 2019**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by that time or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at (312)353-7603, or e-mail, latha.chekuru@nlrb.gov, so that we can schedule the affidavits and so that I can answer any questions you have with regard to the issues in this matter.

Sincerely,

/s/ Latha Chekuru

LATHA CHEKURU
Board Agent

From: [Friedman, Ross H.](#)
To: [Chekuru, Latha](#)
Cc: [Makinen, Eric M.](#)
Subject: RE: Amazon 13-CA-245558
Date: Thursday, August 8, 2019 5:08:56 PM

Thanks Latha.

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Thursday, August 8, 2019 4:08 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>
Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: Re: Amazon 13-CA-245558

[EXTERNAL EMAIL]

Yes - that's fine.

Get [Outlook for iOS](#)

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Thursday, August 8, 2019 4:06:44 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon 13-CA-245558

Sure, will do. Can we please have a few extra days – to 8/16 – for the position statement? Trying to get some info but working around vacations.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Wednesday, August 7, 2019 12:18 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>

Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: Re: Amazon 13-CA-245558

[EXTERNAL EMAIL]

We have to serve someone at the local site - can you send me the correct information.

Get [Outlook for iOS](#)

From: Friedman, Ross H. <ross.friedman@morganlewis.com>

Sent: Wednesday, August 7, 2019 12:16:29 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: RE: Amazon 13-CA-245558

Thanks, will do. Can you please take the local site off the service list? The documents are not getting to the right people there; you can just serve me.

Ross

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Wednesday, August 7, 2019 11:28 AM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>

Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: RE: Amazon 13-CA-245558

[EXTERNAL EMAIL]

Thanks for letting me know. In your position statement, please detail the 2(11) supervisor factors as it relates to (b) (6), (b) (7)(C). Specifically, please detail whether (b) (6), (b) (7)(C) assigns work and exercises independent judgement, and whether (b) (6), (b) (7)(C) is involved in hiring, firing or discipline in any manner.

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Wednesday, August 7, 2019 11:26 AM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon 13-CA-245558

Latha-

I wanted to give you a heads' up on this – (b) (6), (b) (7)(C) job title is not “Shift Supervisor” – it’s “Shift Assistant.” (b) (6), (b) (7)(C) is a non-exempt hourly employee, and has no supervisory authority at all. We’ll note this in our position statement too, but I wanted to flag for you now in case it was helpful.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com
(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Monday, August 5, 2019 2:33 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: RE: Amazon 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross,
Attached is a copy of the amended charge.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Chekuru, Latha
Sent: Monday, August 5, 2019 10:45 AM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>

Subject: RE: Amazon 13-CA-245558

Dear Ross,

Please see the attached letter requesting the Employer's response. Please let me know if you have any questions.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Friedman, Ross H. <ross.friedman@morganlewis.com>

Sent: Friday, August 2, 2019 12:03 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: RE: Amazon 13-CA-245558

Thanks Latha – I will be in touch.

Ross

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Friday, August 2, 2019 11:11 AM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>

Subject: Amazon 13-CA-245558

[EXTERNAL EMAIL]

Hi Ross,

I just saw your notice of appearance. Attached is a copy of the charge. I will send you a letter requesting the Employer's position statement later today. Please call me today at 773-330-4798 if you would like to discuss anything.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

Morgan Lewis

Ross H. Friedman

Partner
+1.312.324.1172
ross.friedman@morganlewis.com

August 16, 2019

VIA NLRB E-FILING AND ELECTRONIC MAIL

Latha Chekuru
Field Examiner
National Labor Relations Board, Region 13
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Re: Amazon.com, Case 13-CA-245558

Dear Ms. Chekuru:

Amazon.com Services, Inc.¹ ("Amazon" or the "Company") provides this position statement in response to the above-referenced Charge filed by (b) (6), (b) (7)(C) ("(b) (6), (b) (7)(C)" or "Charging Party").² Based on your August 5, 2019 letter and the Amended Charge, Amazon understands that the Charging Party alleges Amazon violated Sections 8(a)(1) and (3) of the National Labor Relations Act (the "Act") by threatening (b) (6), (b) (7)(C) and other employees with discipline for "engaging in protected, concerted activity."

The Charge is meritless. First, no Amazon employee, including (b) (6), (b) (7)(C), threatened (b) (6), (b) (7)(C) on July 23—or otherwise. Second, the Amazon employee who allegedly threatened the employees, (b) (6), (b) (7)(C), is not a supervisor under Section 2(11) of the Act. Thus, (b) (6), (b) (7)(C) alleged conduct—even if true—cannot be imputed to Amazon. For these reasons, the Region should dismiss the Charge, absent withdrawal.

¹ The Charge incorrectly identifies Amazon Services, Inc. as "Amazon.com."

² The Company submits this position statement solely for the Board's use and requests that the Board treat it as confidential. To that end, the Company further requests that the Board not reveal any of this position statement's contents to any other person without the Company's prior written consent. Information and accompanying documentation contained herein designated confidential and/or containing confidential commercial or financial information, or trade secret information may not be disclosed to the Charging Party without prior written authorization from Amazon. If any FOIA request is served to which this position statement is responsive, Amazon requests the opportunity to review, approve, and comment on all necessary redactions. The Company also reserves the right to supplement or amend this position statement, including its attachments, as necessary.

Morgan, Lewis & Bockius LLP

77 West Wacker Drive
Chicago, IL 60601-5094
United States

+1.312.324.1000
+1.312.324.1001

I. FACTUAL BACKGROUND

A. Amazon's Operations

As relevant here, Amazon operates websites that sell various products, including books, consumer electronics, housewares, and apparel. Amazon packages and ships these assorted products from warehouses called Fulfillment Centers to Delivery Stations where they are then sent to Amazon's customers. (b) (6), (b) (7)(C) works as a (b) (6), (b) (7)(C) at a Delivery Station in Chicago, Illinois (referred to internally as "DCH1").

B. (b) (6), (b) (7)(C)'s Employment With Amazon

(b) (6), (b) (7)(C) ("(b) (6), (b) (7)(C)") is a Shift Assistant at DCH1. See Ex. A, Shift Assistant Job Description. (b) (6), (b) (7)(C) has held this position since (b) (6), (b) (7)(C), 2019, and (b) (6), (b) (7)(C) is a non-exempt employee. (b) (6), (b) (7)(C) is not a supervisor, nor does (b) (6), (b) (7)(C) have any supervisory authority. Indeed, (b) (6), (b) (7)(C) lacks authority to hire, fire, discipline, or otherwise alter the status of any Amazon employee. Additionally, no employees report to (b) (6), (b) (7)(C). Instead, (b) (6), (b) (7)(C) (along with over 400 non-managerial, hourly employees) reported to (b) (6), (b) (7)(C), an (b) (6), (b) (7)(C).³ And (b) (6), (b) (7)(C), in turn, was two levels of leadership removed from (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C).

In (b) (6), (b) (7)(C)'s role, (b) (6), (b) (7)(C) is assigned (by (b) (6), (b) (7)(C) manager) to a specific "process path." At Amazon, a process path encompasses various duties related to a particular function of the Delivery Station. For example, there are outbound paths (for packages leaving the facility), inbound paths (for packages coming into the facility), and sort paths (for packages needing sorting). Within the process path, (b) (6), (b) (7)(C) spends the majority of (b) (6), (b) (7)(C) time working alongside entry-level associates on production duties and providing progress updates to (b) (6), (b) (7)(C) manager. At times, (b) (6), (b) (7)(C) may direct employees to various workstations or perform discrete tasks within the process path. When performing these duties, however, (b) (6), (b) (7)(C) is constrained by Amazon's standard operating procedures and (b) (6), (b) (7)(C) manager's supervision and direction. In other words, (b) (6), (b) (7)(C) lacks independent authority and discretion to assign any employee's overarching job duties (e.g., (b) (6), (b) (7)(C) has no authority to determine whether an employee works a particular shift or schedule).

C. The June 23, 2019 Meeting

Amazon often hosts "roundtable" meetings for its associates. At these meetings, Amazon managers and human resources staff meet with associates to listen to associates' feedback and discuss facility updates, human resources policies, facility initiatives, and other operational issues. These meetings provide Amazon associates a chance to openly discuss issues impacting their employment in an inclusive, small group setting.

As part of this long-standing practice, on July 23, Amazon held a roundtable meeting at DCH1. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), was responsible for leading the meeting, which included 12 randomly selected participants. To select the participants, Amazon copied that night's employee roster into an online randomizer tool (this is the regular process for roundtable meetings at DCH1). Once generated, Amazon selected the first 12 employees listed by the tool.⁴

³ (b) (6), (b) (7)(C)'s last day at DCH1 was (b) (6), (b) (7)(C) 2019.

⁴ Amazon used the "List Randomizer" available on the website Random.org. See <https://www.random.org/lists/> (last visited Aug. 15, 2019).

At the start of the roundtable, at around 4:10 a.m., a group of employees, including (b) (6), (b) (7)(C), entered the meeting room and asked to join the meeting. Despite not being part of the group randomly selected to participate, (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) and the other employees that they were free to join the meeting. As a result, the group of employees were welcomed into the room and participated in the roundtable discussion. No employee was threatened in any way, and no employee was disciplined for seeking to participate (or participating) in the roundtable meeting with (b) (6), (b) (7)(C).

II. DISCUSSION

A. (b) (6), (b) (7)(C) Is Not A Supervisor Or Agent Of Amazon.

(b) (6), (b) (7)(C) is not a supervisor, and (b) (6), (b) (7)(C) has no authority to engage in any of the functions listed in Section 2(11) of the Act. Section 2(11) of the Act defines a "supervisor" as:

[A]ny individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

29 U.S.C. § 152(11). Individuals are statutory supervisors if (1) they hold the authority to engage in any one of the twelve supervisory functions listed in Section 2(11) of the Act, (2) their exercise of that authority requires the use of independent judgment, and (3) their authority is held in the interest of the employer. *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006). Supervisory status can be shown if the alleged supervisor "has the authority either to perform a supervisory function or to effectively recommend the same." *Id.* at 687-88. The burden to prove supervisory status is on the party asserting that status. *Id.*

As a Shift Assistant, (b) (6), (b) (7)(C) lacks authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees. Nor can (b) (6), (b) (7)(C) adjust grievances, or effectively recommend any of the above actions. At most, (b) (6), (b) (7)(C) can discuss work issues with employees and alert (b) (6), (b) (7)(C) supervisor to an employee's poor performance. Under the Act, this is not enough to convey supervisory status on (b) (6), (b) (7)(C). *See Ten Broeck Commons*, 320 NLRB 806, 812 (1996) (written warnings that are merely reportorial and not linked to disciplinary action affecting job status are not evidence of supervisory authority); *Veolia Transp. Servs., Inc.*, 363 NLRB No. 188 (May 12, 2016) (warnings that simply bring substandard performance to the employer's attention without recommendations for future discipline serve a mere reporting function, and are not evidence that the disputed individual is exercising disciplinary authority).

Further, (b) (6), (b) (7)(C) has no authority to assign work or responsibly direct employees. Although (b) (6), (b) (7)(C)'s job description may give the impression (b) (6), (b) (7)(C) performs these functions, that is an incorrect assumption. For one, "job descriptions, job titles, and similar 'paper authority,' without more, do not demonstrate supervisory status." *Wackenhut Corp.*, 362 NLRB No. 134, slip op. at 2 (2015); *see also Security Guard Serv., Inc.*, 154 NLRB 8, 12 (1965) (finding that "neither title nor job description can be dispositive of the issue where the functions actually performed over a substantial period of time are predominantly nonsupervisory in character"). And regardless, once the Region examines (b) (6), (b) (7)(C)'s actual job duties, the non-supervisory nature of (b) (6), (b) (7)(C)'s role is inescapable.

In *Oakwood Healthcare*, 348 NLRB at 689, the Board defined “assign” as the act of designating an employee to a place, such as a location, department, or wing; appointing an employee to a time, such as a shift or an overtime period; or giving significant overall duties to an employee. (b) (6), (b) (7)(C) performs none of these functions. Instead, (b) (6), (b) (7)(C) merely provides “ad hoc instruction that the employee perform a discrete task” within (b) (6), (b) (7)(C) process path. *Id.* These responsibilities do not make (b) (6), (b) (7)(C) a supervisor under the Act. *Id.*; see also *Shaw Inc.*, 350 NLRB 354, 356 (2007) (“Rotating essentially unskilled and routine duties among available crewmembers . . . does not involve the use of independent judgment and is not, therefore, indicative of supervisory authority.”)

Thus, (b) (6), (b) (7)(C) is not a statutory supervisor. See also, e.g., *Esco Corp.*, 298 NLRB 837, 839 (1990) (“warehouse supervisor” not a statutory supervisor because “pulling of orders, loading of trucks, and the operation of [equipment] [were] routine tasks which [did] not require much supervision beyond making sure that the tasks [were] completed”); *id.* (purported supervisor did not use independent judgment when assigning work because assignment was “not based on the level of employee skill but on the need to get work done or to vary an employee’s routine”); see also *Oakwood Healthcare, Inc.*, 348 NLRB at 693 (“If there is only one obvious and self-evident choice, . . . or if the assignment is made solely on the basis of equalizing workloads, then the assignment is routine or clerical in nature and does not implicate independent judgment[.]”).

As a result, (b) (6), (b) (7)(C)’s alleged threat cannot be imputed to Amazon. The Charge therefore should be dismissed, absent withdrawal.

B. (b) (6), (b) (7)(C) Did Not Threaten Any Employees.

Even if (b) (6), (b) (7)(C) is a supervisor, the Charge still fails to present a colorable violation of Section 8(a)(1) or (3), as (b) (6), (b) (7)(C) never threatened any employee. As discussed, when the employees tried to join the roundtable meeting, they were welcomed into the meeting immediately and without issue. Contrary to this fact, in (b) (6), (b) (7)(C) original charge, (b) (6), (b) (7)(C) claimed (b) (6), (b) (7)(C) threatened them with discipline for “time off task” before attempting participate in the roundtable.⁵ This allegation is baseless. First, Amazon is unaware of any managerial employee who witnessed (b) (6), (b) (7)(C) (or any other employee) mention “time off task” to the associates—let alone a threat of discipline for violating any Amazon policy. Second, even if (b) (6), (b) (7)(C) did mention time off task, simply reminding an employee of Amazon’s lawful policies does not violate the Act. And this is especially true here, as the meeting took place during work hours and the employees, including (b) (6), (b) (7)(C), should have been performing their typical job duties.

Finally, even if (b) (6), (b) (7)(C) alleged comments are interpreted as a threat of discipline, such a threat falls well beyond the scope of (b) (6), (b) (7)(C) job duties and would not have furthered Amazon’s interests. First, (b) (6), (b) (7)(C) has no authority to discipline employees for time off task—or any other violation of Amazon policy. Second, threatening the employees with discipline would not have furthered Amazon’s interest in promoting a productive employee roundtable discussion. This is particularly true here, where (b) (6), (b) (7)(C) freely welcomed the group of employees into the meeting. Thus, Amazon did not violate the Act as alleged in the Charge, as Amazon is only “responsible for its agent’s actions that are taken in furtherance of the principal’s interest and fall within the general scope of authority attributed to the agent.” *Tyson Fresh Meats, Inc.*, 343 NLRB 1335, 1336 (2004) (quoting *Bio-Medical of Puerto Rico*, 269 NLRB 827, 828 (1984)).

⁵ The Amended Charge does not address how (b) (6), (b) (7)(C) threatened the employees, therefore, for the purposes of this Position Statement, Amazon assumes (b) (6), (b) (7)(C) is still alleging that (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C) with a violation of Amazon’s “time off task” policies.

Latha Chekuru
August 16, 2019
Page 5

III. CONCLUSION

For the above reasons, the Charge is baseless and should be dismissed in its entirety. This information should be sufficient for the Region to complete its investigation and dismiss the Charge. If you require additional information, please call or email me.

Respectfully submitted,

/s/ Ross H. Friedman

Ross H. Friedman

Attachments

c: Eric M. Makinen

Exhibit A

Job Title: Operations Lead

Business Title: Full Time Shift Assistant

Full Time Shift Assistant (Level 3)

Job Description

Amazon Shift Assistant

Since opening our virtual doors in 1995, we've been pushing the boundaries of 'possible' further and further. Our entire business works hard to delight our customers – from the second an order is placed online to the seamless coordination of that order behind the scenes, we strive to stay agile, fluid and intentional. That can be described in one of our core Leadership Principles, which is Bias for Action. This means that our teams band together, roll up their sleeves, and aren't content with just standing still. We're aiming to become the most customer-centric company on Earth.

Shift Assistants are part of the Last Mile operations in Amazon Logistics and play a crucial role in this rapidly growing team. Shift Assistants are responsible for daily management of department duties including: allocating labor, leading meetings, assigning job duties, providing work direction and communicating with internal and external suppliers.

Responsibilities:

- Track and report ATS/labor hours
- Occasionally, assist with production duties, train associates and verify SOP (standard operating procedure) compliance
- Ensure successful area performance through tracking and reporting metrics
- Independently assess all aspects of associate work performance and provide timely and detailed feedback
- Participate in Operational Excellence initiatives
- Maintain a full understanding of workflow and daily production goals
- Review and update SOP's as required
- Ensure work areas remain clean and are properly equipped
- Identify and address safety hazards within the work area, and participate in safety initiatives
- Coach associates on ways to work safely at all times
- Ensure all job injuries are reported timely in accordance with established policies and procedures
- Provide vacation coverage for Area Managers

Basic Qualifications

- High School Diploma or equivalent
- Ability to work overtime as required

- Ability to work flexible schedules/shifts/areas
- Ability to stand for a minimum of 8-10 hours/day per shift

Preferred Qualifications

- Associate's or Bachelor's Degree, and/or prior Amazon experience
- Experience taking part in a kaizen or Shingi event in a similar environment
- Awareness and willingness to use OPEX tools and techniques
- Demonstrates problem solving and analytical skills
- Ability to communicate effectively (written and verbal) across various levels of an organization
- History of meeting/exceeding departmental goals
- Experience leading teams
- Capable of providing direction to team members using independent judgment
- Organization and time management skills

Amazon.com is an Equal Opportunity Employer – Minority / Women / Disability / Veteran / Gender Identity / Sexual Orientation / Age.

From: [Friedman, Ross H.](#)
To: [Chekuru, Latha](#); [Makinen, Eric M.](#)
Subject: RE: Amazon.com - 13-CA-245558
Date: Friday, August 30, 2019 1:14:41 PM

Hi Latha-

We are working on this, but the number Amazon has right now does not seem to be working. Trying to get the right one and will respond ASAP.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Thursday, August 29, 2019 10:36 AM
To: Makinen, Eric M. <eric.makinen@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross and Eric,

I have not received a reply this e-mail. Please respond by the end of the day tomorrow, Friday, August 30.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Chekuru, Latha
Sent: Friday, August 23, 2019 12:14 PM
To: Makinen, Eric M. <eric.makinen@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>

Subject: RE: Amazon.com - 13-CA-245558

Dear Ross and Eric,

Could you please send me (b) (6), (b) (7)(C) contact information (phone, e-mail and home address).

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Makinen, Eric M. <eric.makinen@morganlewis.com>

Sent: Friday, August 16, 2019 2:51 PM

To: Chekuru, Latha <Latha.Chekuru@nrlrb.gov>

Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>

Subject: Amazon.com - 13-CA-245558

Ms. Chekuru,

Attached please find Respondent's position statement in response to the above-referenced charge. The position statement was also filed through the Board's eFiling portal.

Thank you, and have a nice weekend.

-Eric

Eric M. Makinen

Morgan, Lewis & Bockius LLP

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601

Direct: +1.312.324.1470 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

eric.makinen@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From: [Friedman, Ross H.](#)
To: [Chekuru, Latha](#); [Makinen, Eric M.](#)
Subject: RE: Amazon.com - 13-CA-245558
Date: Tuesday, September 10, 2019 10:00:12 AM

Latha:

Here is (b) (6), (b) (7)(C) contact info:

Phone: (b) (6), (b) (7)(C)
Email: (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)

Let us know if you need anything else.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com
(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Friday, September 6, 2019 2:09 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]
I understand – thank you.

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Friday, September 6, 2019 2:07 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

We were told we could get in touch with (b) (6), (b) (7)(C) this weekend, so I expect I will have it for you Monday. Sorry for the delay, we just want to make sure our employee understands that we gave you (b) (6), (b) (7)(C) contact information because you asked as part of the investigation. We didn't want (b) (6), (b) (7)(C) freaked out by a call from the government. I didn't expect it would take so long to get in touch with (b) (6), (b) (7)(C).

Ross

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Friday, September 6, 2019 2:05 PM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Thanks for the update. How soon do you think you will be able to send me (b) (6), (b) (7)(C) contact information?

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: Friedman, Ross H. <ross.friedman@morganlewis.com>

Sent: Wednesday, September 4, 2019 10:28 AM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: RE: Amazon.com - 13-CA-245558

Latha, sorry for the delay on this. We've been trying to contact (b) (6), (b) (7)(C) for several days as a courtesy to let (b) (6), (b) (7)(C) know that we were going to disclose (b) (6), (b) (7)(C) personal contact information to the NLRB. (b) (6), (b) (7)(C) work hours are typically 7:00 PM – 4:00 AM. We will continue to try and contact (b) (6), (b) (7)(C) to let (b) (6), (b) (7)(C) know that we are giving (b) (6), (b) (7)(C) phone number to you (honestly at this point we're not even sure the number we have is correct), and will pass the number along as soon as we do. If that is an issue on your end, please let me know.

Thank you-

Ross

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Friday, August 30, 2019 12:40 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: Re: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]
Thank you.

Get [Outlook for iOS](#)

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Friday, August 30, 2019 12:14:31 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Hi Latha-

We are working on this, but the number Amazon has right now does not seem to be working. Trying to get the right one and will respond ASAP.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com
(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Thursday, August 29, 2019 10:36 AM
To: Makinen, Eric M. <eric.makinen@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross and Eric,
I have not received a reply this e-mail. Please respond by the end of the day tomorrow, Friday, August 30.
Sincerely,

Latha Chekuru
Board Agent

National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Chekuru, Latha
Sent: Friday, August 23, 2019 12:14 PM
To: Makinen, Eric M. <eric.makinen@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Dear Ross and Eric,
Could you please send me (b) (6), (b) (7)(C) contact information (phone, e-mail and home address).

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Makinen, Eric M. <eric.makinen@morganlewis.com>
Sent: Friday, August 16, 2019 2:51 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>
Subject: Amazon.com - 13-CA-245558

Ms. Chekuru,
Attached please find Respondent's position statement in response to the above-referenced charge.
The position statement was also filed through the Board's eFiling portal.

Thank you, and have a nice weekend.

-Eric

Eric M. Makinen
Morgan, Lewis & Bockius LLP

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601
Direct: +1.312.324.1470 | Main: +1.312.324.1000 | Fax: +1.312.324.1001
eric.makinen@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From: [Chekuru, Latha](#)
To: (b) (6), (b) (7)(C)
Subject: RE: Additional actions regarding (b) (6), (b) (7)(C) at Amazon
Date: Friday, September 20, 2019 4:39:00 PM

Please let me know if you and your coworker are available to come in Thursday, September 26 or Friday, September 27.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent: Friday, September 20, 2019 11:54 AM
To: Chekuru, Latha <Latha.Chekuru@nrlb.gov>
Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

(b) (6), (b) (7)(C) not picking up my calls or texts, (b) (6), (b) (7)(C) might still be asleep or perhaps there's another situation.

On Fri, Sep 20, 2019 at 11:44 AM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

Any update?

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent: Friday, September 20, 2019 10:54 AM
To: Chekuru, Latha <Latha.Chekuru@nrlb.gov>
Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Hey Latha, my coworker is not responding, I'm waiting to hear back from (b) (6), (b) (7)(C) but I think we may need to reschedule.

(b) (6), (b) (7)(C)

On Wed, Sep 18, 2019 at 9:13 AM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

Yes that works.

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent: Wednesday, September 18, 2019 9:04 AM

To: Chekuru, Latha <Latha.Chekuru@nlr.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Hi, yes. Are you available at 11am?

On Mon, Sep 9, 2019 at 6:02 PM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

Does 2:00 work? Are you familiar with (b) (6), (b) (7)(C) duties? If not, I just need to meet with

(b) (6), (b) (7)(C).

Get [Outlook for iOS](#)

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Monday, September 9, 2019 6:00:53 PM

To: Chekuru, Latha <Latha.Chekuru@nlr.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

We can come in anytime after 11am on the 20th. What time is good for you?

(b) (6), (b) (7)(C) (my coworker) did not hear (b) (6), (b) (7)(C) threats against us when we were attempting to meet with (b) (6), (b) (7)(C). I'm not sure if anyone who was threatened by (b) (6), (b) (7)(C) on the day we were trying to meet with (b) (6), (b) (7)(C) works on the dock. (b) (6), (b) (7)(C) works on the dock though, where (b) (6), (b) (7)(C) is the supervisor, and so (b) (6), (b) (7)(C) is very familiar with (b) (6), (b) (7)(C) job duties (like what (b) (6), (b) (7)(C) actually does throughout the shift).

On Mon, Sep 9, 2019 at 11:28 AM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

What time are you both able to come in on Friday, September 20? Did the other person coming in hear (b) (6), (b) (7)(C) threat as well?

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Tuesday, September 3, 2019 4:44 PM

To: Chekuru, Latha <Latha.Chekuru@nlr.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Ok perfect.

On Tue, Sep 3, 2019 at 3:33 PM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

September 20 is the next Friday I have available.

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Tuesday, September 3, 2019 3:32 PM

To: Chekuru, Latha <Latha.Chekuru@nlr.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

What Friday are you available? My coworker runs a business too and Friday is the only day (b) (6) has time to meet.

On Tue, Sep 3, 2019 at 3:17 PM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

I could do 9/12 in the morning but 9/17 would be best to ensure I can spend enough time and meet with both of you.

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Tuesday, September 3, 2019 3:16 PM

To: Chekuru, Latha <Latha.Chekuru@nlr.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

I'm going to check with (b) (6), (b) (7)(C). So possible days for you are 9/12, 9/13 and 9/17?

On Tue, Sep 3, 2019 at 3:14 PM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

Actually, are you both available on Tuesday, September 17?

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
[219 S Dearborn Street, Suite 808](#)
[Chicago, IL 60604](#)
T: 312-353-7603
F: 312-886-1341

From: Chekuru, Latha

Sent: Tuesday, September 3, 2019 9:19 AM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Subject: RE: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Hi (b) (6), (b) (7)(C),

I am not available on Friday. Are you both available on Thursday, September 12 or Friday, September 13?

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
[219 S Dearborn Street, Suite 808](#)
[Chicago, IL 60604](#)
T: 312-353-7603

F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Tuesday, September 3, 2019 5:26 AM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: Re: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Sorry for the late reply, I was out camping for my birthday. My coworker (who's worked under (b) (6), (b) (7)(C) and knows what (b) (6), (b) (7)(C) day to day is like) and I can meet with you on Friday after 11am if that works for you.

Also, (b) (6), (b) (7)(C) has not been present (b) (6), (b) (7)(C) last work days, including last night. Coworkers tell me (b) (6), (b) (7)(C) was suspended. A manager told me (b) (6), (b) (7)(C) went on vacation, which I find unlikely.

Thank you, (b) (6), (b) (7)(C)

On Thu, Aug 29, 2019 at 10:35 AM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:

Hi (b) (6), (b) (7)(C),

Do you and one other employee have time to come in and give affidavits about (b) (6), (b) (7)(C) job duties? I am available Tuesday, September 10.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
[219 S Dearborn Street, Suite 808](#)
[Chicago, IL 60604](#)
T: 312-353-7603
F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Wednesday, August 28, 2019 7:36 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: Additional actions regarding (b) (6), (b) (7)(C) at Amazon

Hi Latha,

Here are some additional documents regarding our situation with (b) (6), (b) (7)(C). We turned this demand letter in on Monday 8/26 to the top manager on our night

shift.

Any updates?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Chekuru, Latha](#); (b) (6), (b) (7)(C)
Subject: RE: Affidavit regarding (b) (6), (b) (7)(C)
Date: Wednesday, September 25, 2019 3:12:53 PM

Yes I can.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Chekuru, Latha" <Latha.Chekuru@nlrb.gov>
Date: 9/25/19 11:18 AM (GMT-06:00)
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: Affidavit regarding (b) (6), (b) (7)(C)

Hi (b) (6), (b) (7)(C),

Are you available tomorrow at 1:30?

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent: Wednesday, September 25, 2019 5:54 AM
To: (b) (6), (b) (7)(C), (b) (7)(D); Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Subject: Affidavit regarding (b) (6), (b) (7)(C)

Hi Latha and [REDACTED],

[REDACTED]: Latha is the NLRB Board Agent who you need to talk to on Thursday. Latha: [REDACTED] is my coworker at Amazon DCH1 who has worked under [REDACTED]

Latha, [REDACTED] can meet with you on Thursday sometime between 1-4pm, can you let [REDACTED] know what time works best? You can email [REDACTED] back and call [REDACTED] at [REDACTED].

[REDACTED], if you want to call Latha her phone number is 312-353-7603. Her office is located at 219 S Dearborn Street, Suite 808, Chicago, IL.

Thanks!

(b) (6), (b) (7)(C)

From: [Chekuru, Latha](#)
To: [Friedman, Ross H.](#); [Makinen, Eric M.](#)
Subject: Amazon.com - 13-CA-245558
Date: Friday, September 27, 2019 4:25:00 PM
Attachments: [9-27 Amazon request for evidence.pdf](#)

Dear Ross,

Attached is a letter requesting further information. Please let me know if you have any questions.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
219 South Dearborn Street – Suite 808
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

E-mail only

September 27, 2019

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 W Wacker Drive
Chicago, IL 60601

RE: Amazon.com
13-CA-245558

Dear Mr. Friedman:

In its August 16, 2019 position statement, the Employer took the position that (b) (6), (b) (7)(C) is not a Section 2(11) supervisor. Additional investigation Please provide the following requested information and detailed responses as appropriate, including the Employer's position statement. Please provide case law to support your position.

1. Please explain the management hierarchy at the warehouse.
2. How are Shift Assistants chosen or hired?
3. How much do Shift Assistants get paid and what benefits do they receive?
4. Please explain the difference between Ambassadors and Shift Assistants. Who supervises the Ambassadors or to whom do Ambassadors report?
5. Are Shift Assistants held accountable for the work performance of Associates in their area? If so, please explain in detail.
6. Do Shift Assistants attend management meetings?
7. The Region has evidence indicating that Shift Assistants, (b) (6), (b) (7)(C) specifically, issues points to Associates when they violate a rule. Provide a detailed explanation of the points system and whether it is a progressive disciplinary procedure. Do Shift Assistants have to obtain approval from someone higher up before issuing points? Can a certain number of points lead to suspension or termination? **Please provide a copy of the points policy, disciplinary policy and any policy governing rules or discipline at the facility.**

8. Are the points documented in some fashion and placed in the employee's personnel file? If so, do the Shift Assistants sign off on the points issued? **Please provide copies of documents showing points issued to Associates from June 23, 2019 to the present.**
9. Do Shift Assistants exercise independent judgement or discretion when deciding whether an employee should receive points?
10. Are the points relied upon for future discipline?
11. The Region has evidence indicating that Shift Assistants, (b) (6), (b) (7)(C) specifically, can transfer employees to another area if (b) (6), (b) (7)(C) does not want to work with them due to poor performance without obtaining approval from the Plant Manager or someone above her. Please respond.
12. Do Shift Assistants report poor performance to the Assistant Manager or Plant Manager? If so, do they recommend any action or discipline? Is that recommendation taken into account? If the Shift Assistants make a recommendation, are those recommendations generally followed?
13. Do Shift Assistants attend disciplinary meetings?

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter by **Friday, October 4, 2019**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by that time or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at (312)353-7603, or e-mail, latha.chekuru@nlrb.gov, so that we can schedule the affidavits and so that I can answer any questions you have with regard to the issues in this matter.

Sincerely,

/s/ Latha Chekuru

LATHA CHEKURU
Board Agent

From: [Friedman, Ross H.](#)
To: [Chekuru, Latha](#); [Makinen, Eric M.](#)
Subject: RE: Amazon.com - 13-CA-245558
Date: Monday, September 30, 2019 4:23:34 PM

Nope, that's good – thanks for the quick response.

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Monday, September 30, 2019 3:23 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Hi Ross,

I can't say at this point as the Regional Director has not fully heard the case at this time. After I receive the information from you, it will be presented to Regional management and we will go from there. Let me know if you have any other questions.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Monday, September 30, 2019 3:21 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Latha, we're gathering this data. If you can tell me, is the Region going to recommend complaint here if (b) (6), (b) (7)(C) is deemed a supervisor? I assume that's the case or you wouldn't be asking about the supervisory issue?

Ross H. Friedman

Morgan, Lewis & Bockius LLP

77 West Wacker Drive | Chicago, IL 60601

Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677

ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Friday, September 27, 2019 3:26 PM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M.

<eric.makinen@morganlewis.com>

Subject: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross,

Attached is a letter requesting further information. Please let me know if you have any questions.

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From: [Riccio, Meredith](#)
To: [Chekuru, Latha](#)
Cc: [Friedman, Ross H.](#); [Makinen, Eric M.](#)
Subject: RE: Amazon.com - 13-CA-245558
Date: Tuesday, October 1, 2019 4:27:35 PM

Thanks very much.

Meredith E. Riccio

Morgan, Lewis & Bockius LLP

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601

Direct: +1.312.324.1130 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

meredith.riccio@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Tuesday, October 1, 2019 3:26 PM
To: Riccio, Meredith <meredith.riccio@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Hi Meredith,
That is fine.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Riccio, Meredith <meredith.riccio@morganlewis.com>
Sent: Tuesday, October 1, 2019 3:13 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Latha,

Following up on my voicemail a moment ago, I am working with Ross Friedman and Eric Makinen on

this matter. We are in receipt of your request for information sent last week, and are working on gathering information for the response to your requests. We were wondering whether we could have a short extension from 10/4 to 10/11 (the following Friday) to respond?

Thank you,
Meredith

Meredith E. Riccio

Morgan, Lewis & Bockius LLP

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601

Direct: +1.312.324.1130 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

meredith.riccio@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Friday, September 27, 2019 3:26 PM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross,

Attached is a letter requesting further information. Please let me know if you have any questions.

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From: [Chekuru, Latha](#)
To: (b) (6), (b) (7)(C)
Subject: talking to employees who heard (b) (6), (b) (7)(C) threat
Date: Wednesday, October 2, 2019 4:03:00 PM

Hi (b) (6), (b) (7)(C),

Could you send me phone numbers for employees who also heard (b) (6), (b) (7)(C) make the threat? I just want to them on the phone about what they heard.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

Morgan Lewis

Meredith E. Riccio

+1.312.324.1130

meredith.riccio@morganlewis.com

October 14, 2019

VIA E-MAIL

Latha Chekuru
Field Examiner
National Labor Relations Board, Region 13
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Re: Amazon.com, Case 13-CA-245558

Dear Ms. Chekuru:

Amazon.com Services, Inc.¹ ("Amazon" or the "Company") provides the following information in response to the Region's September 27, 2019 request in connection with the above-captioned charge (the "Charge") filed by (b) (6), (b) (7)(C).

In addition to the below responses, there is one necessary point of clarification. The Region notes in its September 27 letter that Amazon's position is that (b) (6), (b) (7)(C) is not a Section 2(11) supervisor. This is true. It is also true, however, that even if (b) (6), (b) (7)(C) is a Section 2(11) supervisor, (b) (6), (b) (7)(C)'s conduct did not violate the Act. As discussed in Amazon's position statement, the employees who sought to attend the July 23 roundtable meeting were *immediately* allowed to attend, despite not being randomly selected that evening. See Amazon's Position Statement, §§ I(C), II(B). Moreover, Amazon is only responsible for its agent's actions that are (1) "done in furtherance of [Amazon's] interest[s]" and (2) within the "general scope of authority attributed to the agent." *Tyson Fresh Meats, Inc.*, 343 NLRB 1335, 1336 (2004) (quoting *Bio-Medical of Puerto Rico*, 269 NLRB 827, 828 (1984)). Neither prerequisite is met here. First, the alleged conduct—if true—did not further Amazon's interest in promoting a productive and inclusive employee roundtable discussion. Indeed, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)'s conduct—freely welcoming the employees to join the meeting—underscores this point. Second, as discussed below and in Amazon's position statement, (b) (6), (b) (7)(C) lacked the authority to discipline the employees for time off task—or for any other violation of Amazon policy.

In sum, as shown below and in Amazon's position statement, (b) (6), (b) (7)(C) is not a Section 2(11) supervisor, and therefore, Amazon cannot be held liable for (b) (6), (b) (7)(C)'s alleged conduct.

¹ The Charge incorrectly identifies Amazon.com Services, Inc. as "Amazon.com."

Morgan, Lewis & Bockius LLP

77 West Wacker Drive
Chicago, IL 60601-5094
United States

+1.312.324.1000
+1.312.324.1001

Request No. 1: Please explain the management hierarchy at the warehouse.

Response: Roles at DCH1 are established based on a tier/level system. Under this system, delivery station employees are generally classified in the following levels, and Shift Managers (L4) are the first level of Amazon management:

- Tier 1 – Associate
- Tier 3 – Shift Assistants
- Level 4 – Shift Managers
- Level 5 – Area Managers
- Level 6 – Operations Manager
- Level 7 – Site Leader

Request No. 2: How are Shift Assistants chosen or hired?

Response: Amazon periodically creates job postings for shift assistant roles. These postings are advertised through a variety of mediums, including during stand-up meetings and through Amazon's internal careers website. All Tier 1 employees are eligible to apply for these positions. After a screening process, Amazon's managerial employees interview qualifying candidates. From there, if the role is available and the associate fits the criteria, Amazon extends the associate an offer to start in the new role.

Request No. 3: How much do Shift Assistants get paid and what benefits do they receive?

Response: Shift Assistants are non-exempt, hourly employees. Given their non-exempt status, Shift Assistants at DCH1 are eligible for overtime compensation, as mandated by the Fair Labor Standards Act and applicable state and local wage and hour laws, including the Illinois Minimum Wage Law and the Chicago Minimum Wage Ordinance. The typical starting wage for Shift Assistants at DCH1 is \$16.50 per hour.

Shift Assistants, like all qualifying Amazon employees, are eligible for a variety of benefits, including medical, dental, vision, a 401(k) savings plan, RSUs, Flexible Spending accounts, disability insurance, and paid time off, among other benefits. To qualify for this full suite of Amazon benefits, Shift Assistants must work more than 20 hours per week.

Request No. 4: Please explain the difference between Ambassadors and Shift Assistants. Who supervises the Ambassadors or to whom do Ambassadors report?

Response: Ambassadors are Tier 1, non-exempt, hourly associates who are an identified resource to their peers. They have no direct reports. Ambassadors serve as a real-time, on-the-floor resource for associates. They may also assist with new hire associate training and safety school for Tier 1 associates. Shift Assistants are Tier 3, non-exempt, hourly employees. They are a level above Tier 1 associates but do not have any direct reports. Tier 1 associates, including Ambassadors, are

supervised and report to either Level 4 Shift Managers or Level 5 Area Managers, based on the facility's current allotment of supervisory employees.

Request No. 5: Are Shift Assistants held accountable for the work performance of Associates in their area? If so, please explain in detail.

Response: Like all Amazon employees, Shift Assistants are expected to achieve Amazon's reasonable performance expectations. Shift Assistants are expected to assist their supervisor in efficiently running a given shift. If a shift is not running efficiently or associates are facing barriers on a particular shift, Shift Assistants are responsible for identifying those barriers and working to improve shift performance. Shift Assistants are not disciplined or otherwise held accountable for the work performance of particular associates in their process path or on a shift.

Request No. 6: Do Shift Assistants attend management meetings?

Response: No. Shift Assistants do not attend management meetings. At DCH1, only Level 4 exempt, salaried and above managers and human resources personnel attend management meetings.

Request No. 7: The Region has evidence indicating that Shift Assistants, (b) (6), (b) (7)(C) specifically, issues points to Associates when they violate a rule. Provide a detailed explanation of the points system and whether it is a progressive disciplinary procedure. Do Shift Assistants have to obtain approval from someone higher up before issuing points? Can a certain number of points lead to suspension or termination? Please provide a copy of the points policy, disciplinary policy and any policy governing rules or discipline at the facility.

Response: There is no "points" system for disciplinary actions or Standards of Conduct policy violations at DCH1. Associates are subject to Amazon's Standards of Conduct and disciplinary and performance management processes. Those Standards of Conduct provide examples of infractions that may lead to any level of corrective action, up to and including immediate termination of employment. See Ex. A, Amazon Owner's Manual Excerpts.

In addition to the Standards of Conduct, associates are subject to an attendance policy. Pursuant to that policy, in addition to paid time off ("PTO"), regular associates receive "unpaid time" ("UPT") (in hours) every quarter based on their status and hours worked. Associates can use UPT at their discretion when associates will be absent from, late to, or leave early from work. Once an associate uses his or her UPT balance and the UPT balance becomes negative, and time missed is not covered by any other time off policy, the associate may be subject to termination from employment.

In contrast, temporary (or seasonal) associates do not receive UPT. Instead, they follow an attendance process that provides points for absences, tardies, and early departures. Temporary associates can use up to 13 points before they are considered for termination. Notably, (b) (6), (b) (7)(C) is *not* a temporary or seasonal employee, so this attendance policy does not even apply to (b) (6), (b) (7)(C).

Regardless, neither UPT balances or attendance points are managed or overseen by non-supervisory Shift Assistants. Instead, only Level 4 and above managers have the ability to enforce these policies.

Shift Assistants are not able to issue disciplinary actions. While they may tell associates they are not acting in accordance with policy and can report that associates are not following standards to managers, Shift Assistants themselves are not able to issue disciplinary feedback to associates.

Request No. 8: Are the points documented in some fashion and placed in the employee's personnel file? If so, do the Shift Assistants sign off on the points issued? Please provide copies of documents showing points issued to Associates from June 23, 2019 to the present.

Response: As discussed in response to Request No. 7, there is no "points" system at DCH1 for disciplinary actions. Amazon disciplines employees who fail to meet its reasonable performance expectations and Amazon's Standards of Conduct. These documented coachings and warnings do exist in employee's personnel files. However, Shift Assistants do not issue disciplinary feedback and do not "sign off" on any discipline issued to Amazon associates.

Request No. 9: Do Shift Assistants exercise independent judgement or discretion when deciding whether an employee should receive points?

Response: See Amazon's responses to Request Nos. 7-8.

Request No. 10: Are the points relied upon for future discipline?

Response: See Amazon's responses to Request Nos. 7-8.

Request No. 11: The Region has evidence indicating that Shift Assistants, (b) (6), (b) (7)(C) specifically, can transfer employees to another area if (b) (6), (b) (7)(C) does not want to work with them due to poor performance without obtaining approval from the Plant Manager or someone above (b) (6), (b) (7)(C). Please respond.

Response: Shift Assistants, including (b) (6), (b) (7)(C), do not have the ability to transfer any employee to a different position, path, or department. Shift Assistants are, however, responsible for rotating employees within a given path or function. In other words, Shift Assistants, including (b) (6), (b) (7)(C), can generally allocate labor within the department — but they are not responsible for determining an employee's overarching job duties. By way of example, if a shift includes 25 employees, and the facility's current volume indicates that 5 employees are needed to stow packages, and the other 20 are needed to perform pick functions, a Shift Assistant may be responsible for allocating the 25 employees in a manner that aligns with business need. These assignments, however, are not permanent. Instead, Amazon (and Shift Assistants) utilizes a "rotation board," which ensures that all associates fairly rotate among roles. Work assignments are approved by a Level 5 Area Manager. Shift Assistants cannot transfer associates to another area if he or she does not want to work with them due to poor performance.

Request No. 12: Do Shift Assistants report poor performance to the Assistant Manager or Plant Manager? If so, do they recommend any action or discipline? Is that recommendation taken into account? If the Shift Assistants make a recommendation, are those recommendations generally followed?

Response: Shift Assistants do report poor performance, including behavioral issues and failure to adhere to policy, to their supervisors. That said, in this regard, Shift Assistants only occupy a

Latha Chekuru
October 14, 2019
Page 5

reporting function. They do not make any recommendation as to how a given performance issue should be handled. And even if a Shift Assistant provided such a recommendation, Amazon supervisors are not required to follow the Shift Assistant's recommendation.

Request No. 13: Do Shift Assistants attend disciplinary meetings?

Response: No. Shift Assistants do not attend any meetings regarding Amazon's disciplinary decisions. As in Amazon's response to Request No. 6, only Level 4 and above managers (i.e., exempt, salaried managers) and human resources personnel attend disciplinary meetings.

* * * *

Amazon trusts the above responses and accompanying document production fully satisfy the Region's request for information. Further, as evidenced by the above responses, accompanying document production, and Amazon's position statement, (b) (6), (b) (7)(C)'s allegations are meritless, and thus, the charge should be dismissed, absent withdrawal.

Please do not hesitate to contact us if you have any questions or would like to discuss this matter in more detail.

Respectfully submitted,

/s/ Meredith E. Riccio

Meredith E. Riccio

MER

Enclosures

cc: Ross H. Friedman
Eric M. Makinen

Exhibit A



Owner's Manual And Guide to Employment

Hourly associates must report all hours worked, whether at an Amazon building or off-site. No one may allow or ask any hourly associate to work "off the clock" without being paid. Hourly associates working more than five hours are generally required to take a work-free, unpaid 30-minute meal period. The meal period must start no later than five hours or, in some locations, five-and-a half hours after the associate begins working. Additional meal periods are provided in some circumstances. Hourly associates are required to take a minimum ten-minute paid break for every four hours worked or major fraction thereof. Please check with your manager or Human Resources Business Partner regarding your work schedule. For more information, see the complete U.S. Working Hours Policy for non-exempt/hourly associates: [Working Hours \(Non-Exempt/Hourly\) Policy](#)

Attendance and Punctuality

Regular attendance and punctuality are important parts of your obligations as an Amazon associate. You are to work the hours scheduled by your manager. If you are going to be absent or late to work, we expect to hear from you before the start of your workday. Please be aware that unsatisfactory attendance may be a basis for disciplinary action, up to and including dismissal.

Individual sites or departments may establish specific guidelines for attendance and punctuality, based on the needs of the business. If your site or department has specific guidelines, your manager or Human Resources will review them with you, and it is expected that you will abide by them throughout your employment in that department.

In the event that we have not heard from you for three (3) consecutive workdays, you will be considered to have resigned from your employment.

Corrective Action

To ensure orderly operations and provide the best possible environment, Amazon expects associates to follow rules and exhibit conduct that will protect the interests and safety of all associates and the organization. The appendix to the Owner's Manual includes the Standards of Conduct, a list of examples of infractions that may result in corrective action, up to and including termination of employment. The Standards of Conduct are only guidelines. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, and the Standards of Conduct is not intended to be all-inclusive or exhaustive. Abiding by the Standards of Conduct is necessary but is not sufficient for continued and successful employment at Amazon. The bar is much higher, and associates are expected to perform at a very high level in serving our customers. As an at-will employer, Amazon reserves the right in all circumstances to apply any level of corrective action as appropriate, up to and including immediate termination of employment, without prior corrective action or notice for conduct in either category or for conduct not described in the Standards of Conduct.

Performance Evaluation

Managers and associates are strongly encouraged to discuss job performance and goals on an informal and frequent basis. Formal performance evaluations are typically conducted on an annual basis. Amazon or individual sites or departments may establish more frequent performance review periods. Performance evaluations become a part of your personnel file and may be used for future employment decisions and consideration such as transfers, promotions, compensation decisions, training, salary reviews, and corrective action.

Internal Transfers and Promotions

Employees may apply for a voluntary internal transfer at any time. Employees who are not currently meeting performance standards must obtain manager approval before interviewing. More information regarding the Internal Transfer process is available from your Human Resources Business Partner or on the intranet at: [Job Transfers](#)

At Amazon, we have two types of promotions: Career Development and Open Position. A Career Development Promotion occurs when there is an increase in an associate's current job level within the same job family (for example, a move from Financial Analyst to Sr. Financial Analyst). For an associate to be promoted, the manager (1)

Appendix - Standards of Conduct

Standards of Conduct

The Standards of Conduct are a list of examples of infractions that may result in corrective action, up to and including termination of employment. The Standards of Conduct are only guidelines. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, and the Standards of Conduct is not intended to be all-inclusive or exhaustive. As an at-will employer, Amazon reserves the right in all circumstances to apply any level of corrective action as appropriate, up to and including immediate termination of employment, without prior corrective action or notice for conduct in either category or for conduct not described in the Standards of Conduct. Employment with Amazon is at the mutual consent of Amazon and the associate, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

Category 1

The following work conduct infractions are regarded as extremely serious, and termination of employment may result following one offense:

- Disrespect or rudeness to an Amazon customer
- Theft or inappropriate removal or possession of property
- Assaulting, threatening, intimidating, coercing, or interfering with supervisors or fellow associates
- Making unauthorized statements on behalf of the company to the press or in any public forum (as only the company's authorized spokespersons may make authorized statements)
- Use or possession of dangerous or unauthorized materials such as hazardous chemicals or explosives, or use or possession of firearms, knives, explosive devices of any kind, or weapons of any kind
- Violation of the company's Health and Safety policy including possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or on breaks, or while operating employer-owned or leased vehicles or equipment
- Fighting or threatening violence in the workplace
- Gross misconduct
- Gross negligence
- Sexual or other unlawful or unwelcome harassment
- Making, publishing, or repeating knowingly or maliciously false statements concerning an associate, the company, or its products
- Discriminating against a fellow associate or prospective associate on the basis of race, religion, creed, color, national origin, citizenship, marital status, sex, age, sexual orientation, gender identity[1], veteran status, political ideology, ancestry, or the presence of any physical, sensory, or mental disabilities or other legally protected status
- Negligence or improper conduct leading to damage of employer-owned, employer-leased, or customer-owned property
- Insubordination or intentional disregard of instructions
- Falsification of personnel or other company documents/records, including employment application
- Unauthorized removal of company documents
- Unauthorized disclosure of business "secrets" or confidential information
- Intentionally making entries on another associate's time card/sheet, or falsely altering a timekeeping document
- Leaving company premises without permission during assigned work hours (unpaid meal periods are not "work hours" for purposes of this policy)
- Failure to fully cooperate with company investigations (except for questions regarding labor organizations or protected concerted activity)
- Violation of safety policies, procedures, standards, regulations, or laws
- Creating a hazardous or dangerous situation
- Engaging in any conduct that places the health and safety of any person at risk
- Violation of personnel policies
- Violation of security policies, procedures, processes, or instructions
- Violation of the Anti-Sex Buying Policy.

Category 2

The following work conduct infractions are considered serious and generally result in corrective action:

- Unauthorized absence, excessive absenteeism, or any absence without notice
- Failure to carry out a work assignment in an efficient, responsible, and acceptable manner
- Abusive, vulgar, or harassing language to a supervisor, fellow associate, or vendor
- Failure to adhere to starting time, quitting time, or break time policies, or wasting time
- Unauthorized use, misuse, or abuse of equipment, products, material, or property belonging to other associates, belonging to the company, or in the company's custody
- Leaving a company-assigned work area during scheduled working hours without permission
- Violations of the no-solicitation, no-distribution policy
- Creating or contributing to disorderly or unsanitary conditions
- Failing to report or remedy any unsafe conditions, procedures, or behaviors
- Failure to immediately report an accident/injury, regardless of severity, when it occurs on company property, or while performing company business

[1] Updated on 12.30.08 (EEO, Workplace Harassment, Other Harassment, Category 1 discrimination)

From: (b) (6), (b) (7)(C)
To: [Chekuru, Latha](#)
Subject: Re: talking to employees who heard (b) (6), (b) (7)(C) threat
Date: Wednesday, October 16, 2019 12:11:44 AM

Hey Latha, sorry I thought I had replied. Here's the phone numbers of three others who were threatened by (b) (6), (b) (7)(C) as well:

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

On Wed, Oct 2, 2019 at 3:03 PM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

Hi (b) (6), (b) (7)(C),

Could you send me phone numbers for employees who also heard (b) (6), (b) (7)(C) make the threat? I just want to them on the phone about what they heard.

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

[219 S Dearborn Street, Suite 808](#)

[Chicago, IL 60604](#)

T: 312-353-7603

F: 312-886-1341

Meredith E. Riccio
+1.312.324.1130
meredith.riccio@morganlewis.com

October 29, 2019

VIA E-MAIL

Latha Chekuru
Field Examiner
National Labor Relations Board, Region 13
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Re: Amazon.com, Case 13-CA-245558

Dear Ms. Chekuru:

Amazon.com Services, Inc.¹ ("Amazon" or the "Company") provides the following information in response to the questions raised in your October 17, 2019 email.

Question 1: Is there a Tier 2? Who is in Tier 2?

Response: There are no "Tier 2" operations roles at DCH1.

Question 2: Who keeps track of attendance and who issues UPT? Do shift assistants report attendance issues to managers?

Response: All non-exempt employees at DCH1 are required to scan their employee badges to punch in and out of work. Employees are also responsible for scanning their badges at the start and end of any paid meal period. In line with this system, Amazon's time keeping software tracks employee attendance and hours worked.² The primary purpose of this system is to ensure that Amazon correctly compensates employees for all hours worked. Moreover, Amazon uses the data generated by the time keeping software to track and analyze important business metrics, such as payroll and productivity.

Amazon's time keeping system, however, is not responsible for "enforcing" the Company's attendance policies. Instead, Level 4 and above managers are responsible for reviewing attendance records and, where necessary, issuing corrective action to employees who fail to adhere to Amazon's attendance policies. That said, as noted in Amazon's response to the Region's request for information, Shift Assistants do not play a role in determining whether employees are

¹ The Charge incorrectly identifies Amazon.com Services, Inc. as "Amazon.com."

² Amazon also maintains an attendance hotline that employees can call to inform the facility they will be late or absent from work on a given day.

Morgan, Lewis & Bockius LLP

77 West Wacker Drive
Chicago, IL 60601-5094
United States

+1.312.324.1000
+1.312.324.1001

held accountable under this policy; nor are Shift Assistants responsible for levying the ultimate corrective action. Shift Assistants—like any employee who observes improper behavior—can report attendance issues to a supervisor.

Unpaid Time (“UPT”) is a time off benefit Amazon issues to all regular employees. UPT is provided to associates on the first day of each quarter, up to a maximum amount per year corresponding to the employee’s status. For example, full-time associates working 40 hours or more per week receive 80 UPT hours per year (20 per quarter). Part-time and temporary associates also receive UPT of varying amounts. Beyond UPT, Amazon employees may also be eligible for other time off benefits, including paid time off.

The use of UPT does *not* require a supervisor’s approval. Employees are, however, typically required to provide notice when using UPT under the following circumstances:

- Full Day Absence – Contact Attendance Hotline.
- Late Arrival – Contact Attendance Hotline.
- Early Departure – Provide notice one hour prior to departure.

Like attendance, Amazon tracks UPT through its time keeping software. For example, if an associate is scheduled to end their shift at 1:00 p.m., but elects to clock out at noon, one hour of UPT is deducted from the associate’s UPT balance. Shift Assistants play no role in this process.

* * * *

Please do not hesitate to contact us if you have any additional questions or would like to discuss this matter in more detail.

Respectfully submitted,

/s/ Meredith E. Riccio

Meredith E. Riccio

MER

Enclosures

cc: Ross H. Friedman
Eric M. Makinen

Hourly associates must report all hours worked, whether at an Amazon building or off-site. No one may allow or ask any hourly associate to work "off the clock" without being paid. Hourly associates working more than five hours are generally required to take a work-free, unpaid 30-minute meal period. The meal period must start no later than five hours or, in some locations, five-and-a half hours after the associate begins working. Additional meal periods are provided in some circumstances. Hourly associates are required to take a minimum ten-minute paid break for every four hours worked or major fraction thereof. Please check with your manager or Human Resources Business Partner regarding your work schedule. For more information, see the complete U.S. Working Hours Policy for non-exempt/hourly associates: [Working Hours \(Non-Exempt/Hourly\) Policy](#)

Attendance and Punctuality

Regular attendance and punctuality are important parts of your obligations as an Amazon associate. You are to work the hours scheduled by your manager. If you are going to be absent or late to work, we expect to hear from you before the start of your workday. Please be aware that unsatisfactory attendance may be a basis for disciplinary action, up to and including dismissal.

Individual sites or departments may establish specific guidelines for attendance and punctuality, based on the needs of the business. If your site or department has specific guidelines, your manager or Human Resources will review them with you, and it is expected that you will abide by them throughout your employment in that department.

In the event that we have not heard from you for three (3) consecutive workdays, you will be considered to have resigned from your employment.

Corrective Action

To ensure orderly operations and provide the best possible environment, Amazon expects associates to follow rules and exhibit conduct that will protect the interests and safety of all associates and the organization. The appendix to the Owner's Manual includes the Standards of Conduct, a list of examples of infractions that may result in corrective action, up to and including termination of employment. The Standards of Conduct are only guidelines. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, and the Standards of Conduct is not intended to be all-inclusive or exhaustive. Abiding by the Standards of Conduct is necessary but is not sufficient for continued and successful employment at Amazon. The bar is much higher, and associates are expected to perform at a very high level in serving our customers. As an at-will employer, Amazon reserves the right in all circumstances to apply any level of corrective action as appropriate, up to and including immediate termination of employment, without prior corrective action or notice for conduct in either category or for conduct not described in the Standards of Conduct.

Performance Evaluation

Managers and associates are strongly encouraged to discuss job performance and goals on an informal and frequent basis. Formal performance evaluations are typically conducted on an annual basis. Amazon or individual sites or departments may establish more frequent performance review periods. Performance evaluations become a part of your personnel file and may be used for future employment decisions and consideration such as transfers, promotions, compensation decisions, training, salary reviews, and corrective action.

Internal Transfers and Promotions

Employees may apply for a voluntary internal transfer at any time. Employees who are not currently meeting performance standards must obtain manager approval before interviewing. More information regarding the Internal Transfer process is available from your Human Resources Business Partner or on the intranet at: [Job Transfers](#)

At Amazon, we have two types of promotions: Career Development and Open Position. A Career Development Promotion occurs when there is an increase in an associate's current job level within the same job family (for example, a move from Financial Analyst to Sr. Financial Analyst). For an associate to be promoted, the manager (1)

Appendix - Standards of Conduct

Standards of Conduct

The Standards of Conduct are a list of examples of infractions that may result in corrective action, up to and including termination of employment. The Standards of Conduct are only guidelines. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, and the Standards of Conduct is not intended to be all-inclusive or exhaustive. As an at-will employer, Amazon reserves the right in all circumstances to apply any level of corrective action as appropriate, up to and including immediate termination of employment, without prior corrective action or notice for conduct in either category or for conduct not described in the Standards of Conduct. Employment with Amazon is at the mutual consent of Amazon and the associate, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

Category 1

The following work conduct infractions are regarded as extremely serious, and termination of employment may result following one offense:

- Disrespect or rudeness to an Amazon customer
- Theft or inappropriate removal or possession of property
- Assaulting, threatening, intimidating, coercing, or interfering with supervisors or fellow associates
- Making unauthorized statements on behalf of the company to the press or in any public forum (as only the company's authorized spokespersons may make authorized statements)
- Use or possession of dangerous or unauthorized materials such as hazardous chemicals or explosives, or use or possession of firearms, knives, explosive devices of any kind, or weapons of any kind
- Violation of the company's Health and Safety policy including possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or on breaks, or while operating employer-owned or leased vehicles or equipment
- Fighting or threatening violence in the workplace
- Gross misconduct
- Gross negligence
- Sexual or other unlawful or unwelcome harassment
- Making, publishing, or repeating knowingly or maliciously false statements concerning an associate, the company, or its products
- Discriminating against a fellow associate or prospective associate on the basis of race, religion, creed, color, national origin, citizenship, marital status, sex, age, sexual orientation, gender identity[1], veteran status, political ideology, ancestry, or the presence of any physical, sensory, or mental disabilities or other legally protected status
- Negligence or improper conduct leading to damage of employer-owned, employer-leased, or customer-owned property
- Insubordination or intentional disregard of instructions
- Falsification of personnel or other company documents/records, including employment application
- Unauthorized removal of company documents
- Unauthorized disclosure of business "secrets" or confidential information
- Intentionally making entries on another associate's time card/sheet, or falsely altering a timekeeping document
- Leaving company premises without permission during assigned work hours (unpaid meal periods are not "work hours" for purposes of this policy)
- Failure to fully cooperate with company investigations (except for questions regarding labor organizations or protected concerted activity)
- Violation of safety policies, procedures, standards, regulations, or laws
- Creating a hazardous or dangerous situation
- Engaging in any conduct that places the health and safety of any person at risk
- Violation of personnel policies
- Violation of security policies, procedures, processes, or instructions
- Violation of the Anti-Sex Buying Policy.

Category 2

The following work conduct infractions are considered serious and generally result in corrective action:

- Unauthorized absence, excessive absenteeism, or any absence without notice
- Failure to carry out a work assignment in an efficient, responsible, and acceptable manner
- Abusive, vulgar, or harassing language to a supervisor, fellow associate, or vendor
- Failure to adhere to starting time, quitting time, or break time policies, or wasting time
- Unauthorized use, misuse, or abuse of equipment, products, material, or property belonging to other associates, belonging to the company, or in the company's custody
- Leaving a company-assigned work area during scheduled working hours without permission
- Violations of the no-solicitation, no-distribution policy
- Creating or contributing to disorderly or unsanitary conditions
- Failing to report or remedy any unsafe conditions, procedures, or behaviors
- Failure to immediately report an accident/injury, regardless of severity, when it occurs on company property, or while performing company business

[1] Updated on 12.30.08 (EEO, Workplace Harassment, Other Harassment, Category 1 discrimination)

From: [Chekuru, Latha](#)
To: [Makinen, Eric M.](#)
Cc: [Friedman, Ross H.](#); [Riccio, Meredith](#)
Subject: RE: Amazon.com - 13-CA-245558
Date: Monday, November 18, 2019 4:20:00 PM

Dear Ross, Eric and Meredith,

The Region has evidence that (b) (6), (b) (7)(C) and other Shift Assistants routinely move employees from the dock to the cells (less desirable work area) as punishment without obtaining approval from a higher level manager. Please explain why employees would be moved from the dock to the cells and whether this alleged move shows up on an employee's record as discipline. Please provide documentary evidence to support your position.

Please respond by **9:00am Thursday, November 21, 2019.**

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Makinen, Eric M. <eric.makinen@morganlewis.com>
Sent: Tuesday, October 29, 2019 10:34 AM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Riccio, Meredith <meredith.riccio@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Latha,
Our apologies for the delayed response. Please see attached.

Thanks,
Eric

Eric M. Makinen
Morgan, Lewis & Bockius LLP
77 West Wacker Drive, Fifth Floor | Chicago, IL 60601
Direct: +1.312.324.1470 | Main: +1.312.324.1000 | Fax: +1.312.324.1001
eric.makinen@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Thursday, October 17, 2019 11:12 AM
To: Makinen, Eric M. <eric.makinen@morganlewis.com>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Riccio, Meredith <meredith.riccio@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Thank you for your response. I have a few questions.

1. Is there a Tier 2? Who is in Tier 2?
2. Who keeps track of attendance and who issues UPT? Do shift assistants report attendance issues to managers?

Thanks.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: Makinen, Eric M. <eric.makinen@morganlewis.com>
Sent: Monday, October 14, 2019 5:31 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Riccio, Meredith <meredith.riccio@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Hi Latha,
Please see attached. Separately, we have still not identified any instances of the supervisory status coming up in other regions.

Thanks,
Eric

Eric M. Makinen
Morgan, Lewis & Bockius LLP
77 West Wacker Drive, Fifth Floor | Chicago, IL 60601
Direct: +1.312.324.1470 | Main: +1.312.324.1000 | Fax: +1.312.324.1001
eric.makinen@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Thursday, October 10, 2019 5:16 PM
To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Riccio, Meredith <meredith.riccio@morganlewis.com>
Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: Re: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]
That is fine.

Get [Outlook for iOS](#)

From: Friedman, Ross H. <ross.friedman@morganlewis.com>
Sent: Thursday, October 10, 2019 5:15:05 PM
To: Riccio, Meredith <meredith.riccio@morganlewis.com>; Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Cc: Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Latha-

Two things – (1) we don't think the supervisory status of shift assistants has come up in another region, but are still confirming; (2) is it OK if we give you the position statement response on Monday instead of tomorrow?

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Riccio, Meredith <meredith.riccio@morganlewis.com>
Sent: Tuesday, October 1, 2019 3:13 PM
To: Latha.Chekuru@nlrb.gov
Cc: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>
Subject: RE: Amazon.com - 13-CA-245558

Latha,

Following up on my voicemail a moment ago, I am working with Ross Friedman and Eric Makinen on

this matter. We are in receipt of your request for information sent last week, and are working on gathering information for the response to your requests. We were wondering whether we could have a short extension from 10/4 to 10/11 (the following Friday) to respond?

Thank you,
Meredith

Meredith E. Riccio

Morgan, Lewis & Bockius LLP

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601

Direct: +1.312.324.1130 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

meredith.riccio@morganlewis.com | www.morganlewis.com

(b) (6), (b) (7)(C)

From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Sent: Friday, September 27, 2019 3:26 PM

To: Friedman, Ross H. <ross.friedman@morganlewis.com>; Makinen, Eric M. <eric.makinen@morganlewis.com>

Subject: Amazon.com - 13-CA-245558

[EXTERNAL EMAIL]

Dear Ross,

Attached is a letter requesting further information. Please let me know if you have any questions.

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

Morgan Lewis

Meredith E. Riccio

+1.312.324.1130

meredith.riccio@morganlewis.com

November 20, 2019

VIA E-MAIL

Latha Chekuru
Field Examiner
National Labor Relations Board, Region 13
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Re: Amazon.com, Case 13-CA-245558

Dear Ms. Chekuru:

Amazon.com Services, Inc.¹ ("Amazon" or the "Company") provides the following information in response to the question raised in your November 18, 2019 email.

Question: Please explain why employees would be moved from the dock to the cells and whether this alleged move shows up on an employee's record as discipline. Please provide documentary evidence to support your position.

Response: As discussed in Amazon's response to the Region's September 27, 2019 request for information, Shift Assistants, including (b) (6), (b) (7)(C), do not have the ability to transfer employees to a different position, process path, or department. See Amazon's October 14 Response at 4. Shift Assistants are, however, tasked with rotating employees within a given process path or function. Given this role, Shift Assistants do rotate employees between the dock and clusters (formerly referred to as "cells") at DCH1. At the start of a shift, these assignments are posted on DCH1's assignment board, which is reviewed and approved by managerial employees. Associates can also be rotated between work areas during a shift. These decisions are made to meet the needs of the business and to ensure the facility is operating smoothly. For instance, if an associate working on the dock decides to use UPT or is absent, another associate may be rotated from the clusters to assist on the dock. Likewise, if the clusters are experiencing increased package volume, associates may be rotated from the dock to assist with this added workflow.

As background, the dock and clusters are two of the work areas at DCH1. All associates are expected to work in both work areas, and neither position is any more or less favorable than the other. In fact, the vast majority of DCH1 associates during any given shift are working in the clusters. In the clusters, associates are tasked with using a hand scanner to scan products and organize them in bins to facilitate the delivery of customer orders. Similarly, on the dock,

¹ The Charge incorrectly identifies Amazon.com Services, Inc. as "Amazon.com."

Morgan, Lewis & Bockius LLP

77 West Wacker Drive
Chicago, IL 60601-5094
United States

+1.312.324.1000
+1.312.324.1001

Latha Chekuru
November 20, 2019
Page 2

associates are tasked with unloading trucks, removing packages from conveyor belts, and sorting packages. Both functions are integral to DCH1's operations.

Amazon's routine rotation of employees between the dock and clusters (or any other work area) cannot be construed as "retaliatory." Nor is it a disciplinary action. Accordingly, these routine rotations are not recorded as discipline in associates' personnel files.

* * * *

Please do not hesitate to contact us if you have any additional questions or would like to discuss this matter in more detail.

Respectfully submitted,

/s/ Meredith E. Riccio

Meredith E. Riccio

MER

Enclosures

cc: Ross H. Friedman
Eric M. Makinen

From: (b) (6), (b) (7)(C)
To: [Chekuru, Latha](#)
Subject: Re: Some more issues at Amazon
Date: Thursday, November 21, 2019 8:47:54 AM

I noticed and my coworkers mentioned to me many changes in management structure and behavior after we filed the unfair labor practice charge against (b) (6), (b) (7)(C).

First, (b) (6), (b) (7)(C) and other L3's like (b) (6), (b) (7)(C) stopped offering associates Voluntary Time Off (VTO) and also stopped denying associates access to VTO. Higher level management took complete control of the VTO allotment process, choosing to give VTO out at random, and took this control away from (b) (6), (b) (7)(C) and L3's. This was a major change because the allotment or denial of VTO is used to exercise power over associates.

Second, (b) (6), (b) (7)(C) and other L3's took a step back from how they used to run their work areas. Before we filed the ULP, (b) (6), (b) (7)(C) and L3's were completely running the work areas they were assigned to run. (b) (6), (b) (7)(C) would lead standup (our nightly pre-shift meeting). (b) (6), (b) (7)(C) exercised complete control over which associate worked where, how fast associates should go, how associates connected lines to trailers through movable conveyor belts, etc. (b) (6), (b) (7)(C) ran the dock. (b) (6), (b) (7)(C) would choose what associates (b) (6), (b) (7) would keep and which associates (b) (6), (b) (7) would kick off the dock and send to other work areas. After we filed the ULP, it seems like some power to run the dock was taken away from (b) (6), (b) (7)(C) and given to ambassadors and some associates. (b) (6), (b) (7)(C) was interacting less with dock associates throughout the night, (b) (6), (b) (7) wasn't bossing everyone around like usual and (b) (6), (b) (7) was instead managing the dock without being as involved in most decisions.

Soon after, it seems that the whole management structure was changed. All ambassadors had to reapply to be ambassadors and

they created new positions called process guides. After this change, most ambassadors became "learning ambassadors" whose function was now merely to train new workers. Some ambassadors became "process guides," a position that didn't exist at DCH1 before. It seems that these process guides, which are still classified as Tier 1 associates just like myself and all other associates, started doing most of the directing work to run work areas that L3's used to do. These process guides communicate throughout the worknight with L3's like (b) (6), (b) (7)(C), but I would now see (b) (6), (b) (7)(C) mostly sitting and standing at (b) (6), (b) (7)(C) desk by the dock rather than in the middle of the dock telling workers to do this and that.

Despite the changes, (b) (6), (b) (7)(C) still decides where associates on the dock will work and how. On one recent occasion, (b) (6), (b) (7)(C), a L5 area manager, sent me to the dock and told me to ask (b) (6), (b) (7)(C) for where (b) (6), (b) (7)(C) wanted me to work so I went to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) sent me upstairs to the Top Divert area. On another occasion, (b) (6), (b) (7)(C) sent me over to the dock and told me to ask (b) (6), (b) (7)(C) to give me a work assignment. I went over to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) put me to unload the packages from the trailers. So now (b) (6), (b) (7)(C) is a bit more respectful and doesn't spend all (b) (6), (b) (7)(C) time in the middle of the dock commanding people to work exactly how (b) (6), (b) (7)(C) says and threatening people who bring up concerns, but despite higher level management changing so many things, (b) (6), (b) (7)(C) is still directing people in (b) (6), (b) (7)(C) work area and running the area as (b) (6), (b) (7)(C) is "in charge" of it.

Thank you,

(b) (6), (b) (7)(C)

On Mon, Nov 18, 2019 at 4:23 PM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:
I'll call you now.

Get [Outlook for iOS](#)

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Monday, November 18, 2019 4:21:36 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: Re: Some more issues at Amazon

Hey Latha, just called you now and left you a voicemail. I'm free right now if you can talk.

On Mon, Nov 18, 2019 at 3:43 PM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:

Hi (b) (6), (b) (7)(C),

I'm so sorry – I just saw this e-mail – it went to my junk folder. I can talk today or tomorrow. When are you available?

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

[219 S Dearborn Street, Suite 808](#)

[Chicago, IL 60604](#)

T: 312-353-7603

F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Monday, November 4, 2019 3:20 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: Some more issues at Amazon

Hey Latha, are you free today or tomorrow? I have some questions about our Site Leads actions recently. Thanks!

| | (b) (6), (b) (7)(C)

From: [Chekuru, Latha](#)
To: (b) (6), (b) (7)(C)
Subject: RE: Amazon ULP decision
Date: Friday, November 22, 2019 3:36:00 PM

Hi (b) (6), (b) (7)(C),

It would be easier to explain on the phone – can you please call me today before 4:00 pm at 312-353-7603. Your e-mails keep going to my junk folder so I don't see them immediately.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
F: 312-886-1341

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent: Friday, November 22, 2019 9:17 AM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Subject: Amazon ULP decision

Hi Latha, what was the decision?

(b) (6), (b) (7)(C)

ORAL WITHDRAWAL REQUEST FORM

__Adjusted

RE: CASE NAME: Amazon.com Services, Inc.
CASE NO.: 13-CA-245558

On 11/25/19, in a phone conversation, **(b) (6), (b) (7)(C)**

(Date)

(Name)

informed the undersigned Board Agent that the Charging Party desired to withdraw the allegations contained in the above-named charge, and authorized withdrawal on an oral basis.

s/ __ Kate MHC Gianopoulos __
(Signature of Board Agent)

Withdrawal Request Approved:



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

November 25, 2019

(Via email service unless otherwise indicated)

Ross H. Friedman, Esq.
77 W Wacker Drive
Chicago, IL 60601
ross.friedman@morganlewis.com

Re: Amazon.com Services, Inc.
Case 13-CA-245558

Dear Mr. Friedman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: Domonic Wilkerson, Site Lead
Amazon.com
2801 S Western Ave
Chicago, IL 60608-5213
wdomonic@amazon.com

(b) (6), (b) (7)(C)